

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER LXX

PUBLIC OFFICES AND OFFICERS

750.478 Willful neglect of duty; public officer or person holding public trust or employment; penalty.

Sec. 478. When any duty is or shall be enjoined by law upon any public officer, or upon any person holding any public trust or employment, every willful neglect to perform such duty, where no special provision shall have been made for the punishment of such delinquency, constitutes a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.478;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 25 of Ch. 156 of R.S. 1846, being CL 1857, § 5844; CL 1871, § 7677; How., § 9259; CL 1897, § 11329; CL 1915, § 14996; and CL 1929, § 16587.

750.478a Legal process; intimidation, hindering, or obstruction of public officer or employee.

Sec. 478a. (1) A person shall not attempt to intimidate, hinder, or obstruct a public officer or public employee or a peace officer in the discharge of his or her official duties by a use of unauthorized process.

(2) Except as provided in subsection (3), a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

(3) A person who violates subsection (1) after 1 or more prior convictions for violating subsection (1) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(4) This section does not apply to a lien authorized under a statute of this state.

(5) This section does not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law that individual commits while violating this section.

(6) This section does not prohibit individuals from assembling lawfully or lawful free expression of opinions or designation of group affiliation or association.

(7) As used in this section:

(a) "Lawful tribunal" means a tribunal created, established, authorized, or sanctioned by law or a tribunal of a private organization, association, or entity to the extent that the organization, association, or entity seeks in a lawful manner to affect only the rights or property of persons who are members or associates of that organization, association, or entity.

(b) "Legal process" means a summons, complaint, pleading, writ, warrant, injunction, notice, subpoena, lien, order, or other document issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency that is used as a means of exercising or acquiring jurisdiction over a person or property, to assert or give notice of a legal claim against a person or property, or to direct persons to take or refrain from an action.

(c) "Public employee" means an employee of this state, an employee of a city, village, township, or county of this state, or an employee of a department, board, agency, institution, commission, authority, division, council, college, university, court, school district, intermediate school district, special district, or other public entity of this state or of a city, village, township, or county in this state, but does not include a person whose employment results from election or appointment.

(d) "Public officer" means a person who is elected or appointed to any of the following:

(i) An office established by the state constitution of 1963.

(ii) A public office of a city, village, township, or county in this state.

(iii) A department, board, agency, institution, commission, court, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of this state or a city, village, township, or county in this state.

(e) "Unauthorized process" means either of the following:

(i) A document simulating legal process that is prepared or issued by or on behalf of an entity that purports or represents itself to be a lawful tribunal or a court, public officer, or other agency created, established, authorized, or sanctioned by law but that is not a lawful tribunal or a court, public officer, or other agency created, established, authorized, or sanctioned by law.

(ii) A document that would otherwise be legal process except that it was not issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency as required by law. However, this subparagraph does not apply to a document that would otherwise be legal process but for 1

or more technical defects, including, but not limited to, errors involving names, spelling, addresses, or time of issue or filing or other defects that do not relate to the substance of the claim or action underlying the document.

History: Add. 1998, Act 360, Eff. Jan. 1, 1999.

750.479 Resisting or obstructing officer in discharge of duty; penalty; definitions.

Sec. 479. (1) A person shall not knowingly and willfully do any of the following:

(a) Assault, batter, wound, obstruct, or endanger a medical examiner, township treasurer, judge, magistrate, probation officer, parole officer, prosecutor, city attorney, court employee, court officer, or other officer or duly authorized person serving or attempting to serve or execute any process, rule, or order made or issued by lawful authority or otherwise acting in the performance of his or her duties.

(b) Assault, batter, wound, obstruct, or endanger an officer enforcing an ordinance, law, rule, order, or resolution of the common council of a city board of trustees, the common council or village council of an incorporated village, or a township board of a township.

(2) Except as provided in subsections (3), (4), and (5), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(3) A person who violates this section and by that violation causes a bodily injury requiring medical attention or medical care to an individual described in this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

(4) A person who violates this section and by that violation causes serious impairment of a body function of an individual described in this section is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both.

(5) A person who violates this section and by that violation causes the death of an individual described in this section is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.

(6) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.

(7) The court may order a term of imprisonment for a violation of this section to be served consecutively to any other term of imprisonment imposed for a violation arising out of the same criminal transaction as the violation of this section.

(8) As used in this section:

(a) "Obstruct" includes the use or threatened use of physical interference or force or a knowing failure to comply with a lawful command.

(b) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.479;—Am. 2002, Act 270, Eff. July 15, 2002.

Former law: See section 23 of Ch. 156 of R.S. 1846, being CL 1857, § 5842; CL 1871, § 7675; How., § 9257; CL 1897, § 11327; CL 1915, § 14994; CL 1929, § 16585; Act 202 of 1863; and Act 24 of 1869.

750.479a Failure to obey direction of police or conservation officer to stop motor vehicle; applicability of subsection (1); fleeing and eluding as felony; penalty; suspension of license; revocation; conviction and sentence under other provision; "serious impairment of a body function" defined.

Sec. 479a. (1) A driver of a motor vehicle who is given by hand, voice, emergency light, or siren a visual or audible signal by a police or conservation officer, acting in the lawful performance of his or her duty, directing the driver to bring his or her motor vehicle to a stop shall not willfully fail to obey that direction by increasing the speed of the vehicle, extinguishing the lights of the vehicle, or otherwise attempting to flee or elude the police or conservation officer. This subsection does not apply unless the police or conservation officer giving the signal is in uniform and the officer's vehicle is identified as an official police or department of natural resources vehicle.

(2) Except as provided in subsection (3), (4), or (5), an individual who violates subsection (1) is guilty of fourth-degree fleeing and eluding, a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(3) Except as provided in subsection (4) or (5), an individual who violates subsection (1) is guilty of third-degree fleeing and eluding, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both, if 1 or more of the following circumstances apply:

(a) The violation results in a collision or accident.

(b) A portion of the violation occurred in an area where the speed limit is 35 miles an hour or less, whether

that speed limit is posted or imposed as a matter of law.

(c) The individual has a prior conviction for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(4) Except as provided in subsection (5), an individual who violates subsection (1) is guilty of second-degree fleeing and eluding, a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both, if 1 or more of the following circumstances apply:

(a) The violation results in serious impairment of a body function of an individual.

(b) The individual has 1 or more prior convictions for first-, second-, or third-degree fleeing and eluding, attempted first-, second-, or third-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(c) The individual has any combination of 2 or more prior convictions for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(5) If the violation results in the death of another individual, an individual who violates subsection (1) is guilty of first-degree fleeing and eluding, a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$15,000.00, or both.

(6) Upon a conviction for a violation or attempted violation under subsection (2) or (3), the secretary of state shall suspend the individual's operator's or chauffeur's license as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319.

(7) Upon a conviction for a violation or attempted violation under subsection (4) or (5), the secretary of state shall revoke the individual's operator's or chauffeur's license as provided in section 303 of the Michigan vehicle code, 1949 PA 300, MCL 257.303.

(8) Except as otherwise provided, a conviction under this section does not prohibit a conviction and sentence under any other applicable provision for conduct arising out of the same transaction. A conviction under subsection (2), (3), (4), or (5) prohibits a conviction under section 602a of the Michigan vehicle code, 1949 PA 300, MCL 257.602a, for conduct arising out of the same transaction.

(9) As used in this section, "serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

History: Add. 1966, Act 299, Eff. Mar. 10, 1967;—Am. 1988, Act 407, Eff. Mar. 30, 1989;—Am. 1996, Act 586, Eff. June 1, 1997;—Am. 1998, Act 344, Eff. Oct. 1, 1999;—Am. 2002, Act 270, Eff. July 15, 2002.

750.479b Taking of firearm or other weapon from peace officer or corrections officer; penalty; commission of other violation; consecutive terms of imprisonment; definitions.

Sec. 479b. (1) An individual who takes a weapon other than a firearm from the lawful possession of a peace officer or a corrections officer is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,500.00, or both, if all of the following circumstances exist at the time the weapon is taken:

(a) The individual knows or has reason to believe the person from whom the weapon is taken is a peace officer or a corrections officer.

(b) The peace officer or corrections officer is performing his or her duties as a peace officer or a corrections officer.

(c) The individual takes the weapon without consent of the peace officer or corrections officer.

(d) The peace officer or corrections officer is authorized by his or her employer to carry the weapon in the line of duty.

(2) An individual who takes a firearm from the lawful possession of a peace officer or a corrections officer is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both, if all of the following circumstances exist at the time the firearm is taken:

(a) The individual knows or has reason to believe the person from whom the firearm is taken is a peace officer or a corrections officer.

(b) The peace officer or corrections officer is performing his or her duties as a peace officer or a corrections officer.

(c) The individual takes the firearm without the consent of the peace officer or corrections officer.

(d) The peace officer or corrections officer is authorized by his or her employer to carry the firearm in the line of duty.

(3) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.

(4) A term of imprisonment imposed for a violation of this section may run consecutively to any term of

imprisonment imposed for another violation arising from the same transaction.

(5) As used in this section:

(a) "Corrections officer" means a prison or jail guard or other employee of a jail or a state or federal correctional facility, who performs duties involving the transportation, care, custody, or supervision of prisoners.

(b) "Peace officer" means 1 or more of the following:

(i) A police officer of this state or a political subdivision of this state.

(ii) A police officer of any entity of the United States.

(iii) The sheriff of a county of this state or the sheriff's deputy.

(iv) A public safety officer of a college or university who is authorized by the governing board of that college or university to enforce state law and the rules and ordinances of that college or university.

(v) A conservation officer of the department of natural resources.

(vi) A conservation officer of the United States department of interior.

History: Add. 1994, Act 33, Eff. June 1, 1994.

750.480 Refusing to deliver records and money to successor in office.

Sec. 480. Refusing to deliver books, money, etc., to successor in office—Any officer or agent of this state or of any county, city, village, township or school district within the state, into whose hands money, books, papers, evidence of debt or other property shall come by virtue of his office or agency, who shall wilfully refuse or neglect, on demand, to deliver the same to his successor in office or to the person authorized by law to receive or have charge of the same, shall be guilty of a felony.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.480.

Former law: See Section 28 of Ch. 154 of R.S. 1846, being CL 1857, § 5772; CL 1871, § 7579; How., § 9150; CL 1897, § 11564; CL 1915, § 15309; CL 1929, § 16907; and Act 68 of 1895.

750.481 Neglecting or refusing to execute process; penalty.

Sec. 481. Neglecting or refusing to execute process—Whenever any constable, marshal, deputy or assistant marshal, coroner, sheriff or deputy sheriff of any township, city, village or county, shall at any time wilfully neglect or refuse to execute any lawful process of any court, or judicial officer having authority to issue the same, and which shall be duly issued, or whenever such officer shall, at any time, wilfully neglect or refuse to discharge or execute any special duty imposed on any such officer by any provision of law, such officer shall be guilty of a misdemeanor: Provided, That in all cases where such process shall be taken out in the name of a party, other than the people of this state, it shall appear on the trial for such offense that the legal fees for serving such process have been tendered or paid to such officer.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.481.

Former law: See section 1 of Act 9 of 1861, being CL 1871, § 7680; How., § 9262; CL 1897, § 11332; CL 1915, § 14999; and CL 1929, § 16594.

750.482 Neglecting or refusing to pay over moneys collected; penalty.

Sec. 482. Any officer who shall collect or receive any moneys on account of any fine, penalty, forfeiture, or recognizance, and shall neglect or refuse to pay over the same according to law, or shall appropriate or dispose of the same to his or her own use, or in any manner not authorized by law, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.482;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 41 of Chapter 35 of Act 314 of 1915, being CL 1915, § 13433; and CL 1929, § 15180.

750.483 Neglecting or refusing to aid sheriff, coroner or constable; misdemeanor.

Sec. 483. Neglecting or refusing to aid sheriff, etc.—Any person who being required by any sheriff, deputy sheriff, coroner or constable, shall neglect or refuse to assist him in the execution of his office, in any criminal case or in the preservation of the peace, or the apprehending or securing of any person for a breach of the peace, or in any case of escape or rescue of persons arrested upon civil process, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.483.

Former law: See section 16 of Ch. 156 of R.S. 1846, being CL 1857, § 5835; CL 1871, § 7668; How., § 9250; CL 1897, § 11320; CL 1915, § 14987; and CL 1929, § 16578.

750.483a Prohibited acts; penalties; "retaliate," "official proceeding," and "threaten or intimidate" defined.

Sec. 483a. (1) A person shall not do any of the following:

(a) Withhold or refuse to produce any testimony, information, document, or thing after the court has ordered it to be produced following a hearing.

(b) Prevent or attempt to prevent through the unlawful use of physical force another person from reporting a crime committed or attempted by another person.

(c) Retaliate or attempt to retaliate against another person for having reported or attempted to report a crime committed or attempted by another person. As used in this subsection, "retaliate" means to do any of the following:

(i) Commit or attempt to commit a crime against any person.

(ii) Threaten to kill or injure any person or threaten to cause property damage.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) Except as provided in subdivision (b), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(b) If the violation involves committing or attempting to commit a crime or a threat to kill or injure any person or to cause property damage, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

(3) A person shall not do any of the following:

(a) Give, offer to give, or promise anything of value to any person to influence a person's statement to a police officer conducting a lawful investigation of a crime or the presentation of evidence to a police officer conducting a lawful investigation of a crime.

(b) Threaten or intimidate any person to influence a person's statement to a police officer conducting a lawful investigation of a crime or the presentation of evidence to a police officer conducting a lawful investigation of a crime.

(4) A person who violates subsection (3) is guilty of a crime as follows:

(a) Except as provided in subdivision (b), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(b) If the violation involves committing or attempting to commit a crime or a threat to kill or injure any person or to cause property damage, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

(5) A person shall not do any of the following:

(a) Knowingly and intentionally remove, alter, conceal, destroy, or otherwise tamper with evidence to be offered in a present or future official proceeding.

(b) Offer evidence at an official proceeding that he or she recklessly disregards as false.

(6) A person who violates subsection (5) is guilty of a crime as follows:

(a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

(b) If the violation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life or any term of years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

(7) It is an affirmative defense under subsection (3), for which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to provide a statement or evidence truthfully.

(8) Subsections (1)(a), (3)(b), and (5)(b) do not apply to any of the following:

(a) The lawful conduct of an attorney in the performance of his or her duties, such as advising a client.

(b) The lawful conduct or communications of a person as permitted by statute or other lawful privilege.

(9) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section.

(10) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime including any other violation of law arising out of the same transaction as the violation of this section.

(11) As used in this section:

(a) "Official proceeding" means a proceeding heard before a legislative, judicial, administrative, or other governmental agency or official authorized to hear evidence under oath, including a referee, prosecuting attorney, hearing examiner, commissioner, notary, or other person taking testimony or deposition in that proceeding.

(b) "Threaten or intimidate" does not mean a communication regarding the otherwise lawful access to

courts or other branches of government, such as the lawful filing of any civil action or police report of which the purpose is not to harass the other person in violation of section 2907 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2907.

History: Add. 2000, Act 451, Eff. Mar. 28, 2001.

750.484 Repealed. 1991, Act 145, Imd. Eff. Nov. 25, 1991.

Compiler's note: The repealed section pertained to refusal to apprehend when required by justice.

750.485 Accounting for county money; county and municipal officers.

Sec. 485. Accounting for county money by county and municipal officers—It shall be the duty of all county and municipal officers, who may receive or pay out any sum or sums of money belonging to the county in which said officers may reside, to keep an accurate and perfect account of all such moneys, by whom paid and for what purpose, as the board of supervisors of the several counties of this state, or by the board of auditors, wherever authorized to transact such county business, may direct. The several boards of supervisors and board of county auditors are hereby authorized and directed to prepare a system for the keeping of such accounts, and report to the county treasurer, as the several boards may deem proper and necessary in each of the several counties of this state.

Whenever the board of supervisors or board of county auditors may prescribe a system for the keeping of such accounts, as provided for by this section, said county and municipality shall comply with requirements of such system in all particulars, as directed to do by said boards of supervisors or boards of county auditors.

Any county or municipal officer who may be included under the provisions of this section, who shall neglect or refuse to comply with any of the provisions of this section, in the keeping of such accounts as may be prescribed by said county boards, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.485.

Former law: See sections 1 to 3 of Act 237 of 1901, being CL 1915, §§ 2517 to 2519; and CL 1929, §§ 2708 to 2710.

750.486 Repealed. 2002, Act 264, Imd. Eff. May 9, 2002.

Compiler's note: The repealed section pertained to appointment of unqualified undersheriff or deputy sheriff.

750.487 Defense of accused by law partner of prosecutor.

Sec. 487. Defense of persons charged with crime by law partner of prosecuting attorney—The law partner or partners of any prosecuting attorney who shall be directly or indirectly engaged or interested in the defense of any person or persons charged with any offense, when it is the duty of such prosecuting attorney in his official capacity to prosecute such person or persons, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.487.

Former law: See sections 16 and 17 of Chapter XVI of Act 175 of 1927, being CL 1929, §§ 17506 and 17507.

750.488 Retention of fees by state officers and employees on salary.

Sec. 488. Retention of fees by state officers and employees on salary—Any officer or employee of the state government, having a salary fixed by law who shall retain any fees received for performance of his official duties, or who shall not promptly turn over to the state treasurer or credit to the proper funds such fees when collected, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison not more than 2 years or by a fine of not more than 1,000 dollars. Any one convicted under the provisions of this section shall be promptly removed from office.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.488.

750.489 False statement of public finances and transfer of same.

Sec. 489. False statement of public finances and transfer of same—Any officer, agent, servant or employee of the state of Michigan, or of any county, township, city, village or school district of this state, and any member, agent or employee of any board or commission of the state of Michigan or of any of the municipalities above named, who shall knowingly deliver, publish or give out for publication any false statement relating to the finances, funds, moneys or balances in any fund of said state, county, township, city, village or school district, shall be guilty of a misdemeanor.

Any officer, agent, servant or employee of the state of Michigan, or of any county, township, city, village or school district of this state, and any member, agent or employee of any board or commission of the state of Michigan or of any of the municipalities above named, who shall transfer or juggle the funds of the state or other municipal division thereof, or issue false checks, drafts, warrants, vouchers or other evidences of credit, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.489.

Former law: See sections 1 to 3 of Act 291 of 1927, being CL 1929, §§ 381 to 383.

750.490 Safe keeping of public moneys.

Sec. 490. Safe keeping of public moneys—All moneys which shall come into the hands of any officer of the state, or of any officer of any county, or of any township, school district, highway district, city or village, or of any other municipal or public corporation within this state, pursuant to any provision of law authorizing such officer to receive the same, shall be denominated public moneys within the meaning of this section.

It shall be the duty of every officer charged with the receiving, keeping or disbursing of public moneys to keep the same separate and apart from his own money, and he shall not commingle the same with his own money, nor with the money of any other person, firm, or corporation.

No such officer shall, under any pretext, use, or allow to be used, any such moneys for any purpose other than in accordance with the provisions of law; nor shall he use the same for his own private use, nor loan the same to any person, firm or corporation without legal authority so to do.

In all cases where public moneys are authorized to be deposited in any bank, or to be loaned to any individual, firm or corporation, for interest, the interest accruing upon such public moneys shall belong to and constitute a general fund of the state, county or other public or municipal corporation, as the case may be.

In no case shall any such officer, directly or indirectly, receive any pecuniary or valuable consideration as an inducement for the deposit of any public moneys with any particular bank, person, firm or corporation.

The provisions of this section shall apply to all deputies of such officer or officers, and to all clerks, agents and servants of such officer or officers.

Any officer who shall wilfully or corruptly draw or issue any warrant, order or certificate for the payment of money in excess of the amount authorized by law, or for a purpose not authorized by law, shall be guilty of a misdemeanor, punishable as provided in this section.

Any person who shall violate any of the provisions of this section, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison not more than 2 years or by a fine of not more than 1,000 dollars: Provided, That nothing in this section contained shall prevent a prosecution for embezzlement in cases where the facts warrant the same.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.490.

Former law: See sections 1 to 8 of Act 131 of 1875, being How., §§ 423 to 430; CL 1897, §§ 1197 to 1204; CL 1915, §§ 298 to 305; and CL 1929, §§ 358 to 365.

750.490a Purchase by employee upon public credit for private use.

Sec. 490a. An officer or employee of any governmental agency shall not purchase or cause to be purchased any goods, wares, or merchandise of any description in the name of or on the credit of the governmental agency for any other purpose than for use or resale in the regular course of the official business of the governmental agency; or sell or offer for sale goods, wares, or merchandise purchased in the name of or on the credit of the governmental agency, at any price other than the price at which such goods are offered generally to the public by the governmental agency.

As used in this section, “governmental agency” means any and all branches or departments of the state government; any and all branches or departments of the government of any county, city, village, school district, township, or other municipal corporation in this state; and any commission, board, or other similar body organized to assist in the conduct of the governmental or proprietary functions of state or local government.

Any person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

History: Add. 1939, Act 310, Eff. Sept. 29, 1939;—CL 1948, 750.490a;—Am. 2002, Act 672, Eff. Mar. 31, 2003.